IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2007

CORAM:

THE HON'BLE MR.JUSTICE K.RAVIRAJA PANDIAN
AND
THE HON'BLE MRS.JUSTICE CHITRA VENKATARAMAN

O.S.A.No.220 of 2006

M/s.Revathi Enterprises, rep.
By its Partner R.Srinivasan
Coimbatore .. Appellant

vs.

1. M/s.Goel Industries,
   rep. By its Proprietor
   Ram Nivas Goel

2. Mr.Justice A.Abdul Hadi
   Arbitrator .. Respondents

PRAYER : Appeal preferred under Clause 15 of Letters Patent r/w. O.36, Rule 1 of O.S. Rules for the relief stated therein, petition filed against the order of the learned single Judge, may be pleased to set aside the order dated 13.6.2006 in O.P.No.30 of 2003.

For appellant : No appearance
For respondents : No appearance

J U D G M E N T

(Judgment of the Court was made by K.RAVIRAJA PANDIAN, J.)

Even though it is not necessary to inform the date of hearing of the appeal to the person, who is appearing as party-in-person, this Court thought it fit to direct the Registry to issue notice informing the dates of hearing to one R.Srinivasan, who is appearing as party-in-person, in this case. But, staying at home, he has written a letter to the Registry seeking adjournment on health grounds. On the last occasion, when the matter was listed on 03.12.2007, one Mrs.Patric appeared on behalf of the said R.Srinivasan/party-in-person and sought for an adjournment. However, she was explained about the matter that the case is being specially listed before the Court for an early disposal and she was also informed that the next date of hearing being 17.12.2007 and the matter would be taken up on that day for final disposal and further directed her to inform

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R.Srinivasan/party-in-person to either appear in person to proceed with the case or to make an alternate arrangement to get along with the case. Pursuant to the same, the case is listed today for final disposal.

2. Even today, the said Mrs.Patric appeared before the Court and informed that R.Srinivasan/party-in-person has despatched the written argument through Post, but it did not reached the Court.

3. However, we are of the view that this type of practice cannot be allowed or encouraged when the Court is flooded with cases. Hence, we made it very clear to Mrs.Patric that the Court cannot wait for the written arguments, which is stated to have been sent to the Court through Post and this sort of adjudication cases by writing letters and getting the arguments through Post is unheard to this Court and will not also be followed by this Court.

4. In the above circumstances, we are left with no other option but to dismiss the appeal for non prosecution and the same is dismissed accordingly. However, the appellant/party-in-person is at liberty to get the order restored within the time frame, in accordance with law, if he so advised.

gs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To,

1. The Sub Assistant Registrar,
   Original Side, High Court, Madras.

2. The Section Officer,
   V.R.Section, High Court, Madras-104.

+1 cc to Mr.R.Srinivasan, Party in person, Sr.No.74817.

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